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JAN 14 2008

BUREAU OF AIR REGULATION

January 9, 2008

UPS Overnight Delivery

Ms. Teresa Heron  
Department of Environmental Protection  
Bureau of Air Regulation  
111 South Magnolia Drive, Suite 4  
Tallahassee, Florida 32399-2400

RE: CEMEX Cement, Inc  
Brooksville Cement Kilns 1 and 2  
NOTICE OF APPLICATION  
Proof of Publication  
DEP File No. 0530010-018-AC  
Hernando County

Dear Teresa:

Please find enclosed the original Proof of Publication of the public notice for the above referenced Notice of Application. The public notice is dated January 7, 2008 and ran in the Hernando Today section of the Tampa Tribune.

If there are any questions concerning this information please contact me at (352) 799-2011

Sincerely,

CEMEX Cement, Inc.

Charles E. Walz  
Environmental Manager

cc: File

**Brooksville Plant**

16301 Ponce De Leon Boulevard, Brooksville, FL 34614. USA, (352) 796-7241, Fax (352) 754-9836

RECEIVED  
Jan 08 2008

**HERNANDO TODAY**

Published Daily  
BROOKSVILLE, HERNANDO, FLORIDA  
STATE OF FLORIDA  
COUNTY OF HERNANDO:

Before the undersigned authority personally appeared **Judy Warnock**, who on oath says that he/she is Legal Ad Coordinator of the Hernando Today/Hernando Sunday, a daily newspaper published at Brooksville in Hernando County, Florida: that the attached copy of the advertisement, being a **Legal Notice in the matter of Public Notice of Intent to Issue Air Construction Permit, CEMEX in the N/A**

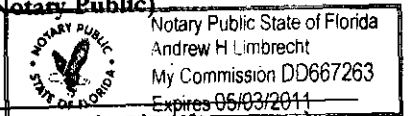
**Court**, was published in said newspaper in the issues of **January 7, 2008**

Affiant further says that the said Hernando Today/Hernando Sunday is a newspaper published at Brooksville, in said Hernando County, Florida, and that the said newspaper has heretofore been continuously published in said Hernando County, Florida, each week and has been entered as a second class mail matter at the post office in Brooksville, in said Hernando County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Judy Warnock*  
(Signature of Affiant)

Sworn to and subscribed before me this 7th day of January, 2008

*Andrew H Limbrecht*  
(Signature of Notary Public)



(Name of Notary typed, printed or stamp)

Personally Known  or  
Produced Identification  
Type of Identification Produced

RECEIVED  
JAN 11 2008

BUREAU OF AIR REGULATION

**PUBLIC NOTICE OF INTENT TO ISSUE  
AIR CONSTRUCTION PERMIT**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DEP File No. 0530010-018-AC  
CEMEX Cement, Inc.  
Brooksville Cement Plant Lines 1 and 2  
Hernando County

The Department of Environmental Protection (the Department) gives notice of its intent to issue an air construction permit to CEMEX Cement, Inc. to install cooling dampers and make additional operational changes at the Brooksville Cement Plant on Highway 98, northwest of Brooksville in Hernando County. A determination of best available control technology was not required. The applicant's name and business address are CEMEX Cement, Inc., 16301 Ponce De Leon Boulevard, Brooksville, Florida 34614-0849.

The plant currently consists of: two portland cement lines designated as Lines 1 and 2, including two dry process preheater kilns (Kilns 1 and 2); two clinker coolers; associated raw mills, finish mills, cement and clinker handling equipment, coal handling equipment, silos, air pollution control devices, raw material extraction and receiving facilities and product shipping facilities.

The purpose of the dampers is to supply cooling air to rapidly quench exhaust gas from Kiln 1 to temperatures less than those characteristic of dioxin and furan formation.

Additional changes included in this action are: a change to the liquid fuel sampling requirements for Kilns 1 and 2; an increase in the operating hours for the cement bag loadout system; and increases of the transfer and loading rates for the finish mills and various raw material and product storage bins and silos. No increases in kiln operation rates are required as a result of the operational changes.

The Department will issue the final air construction permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative determination (hearing) is filed pursuant to sections 120.569 and 120.57 of the Florida Statutes (F.S.), before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of publication of the public notice or within 14 days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention in a proceeding (initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28.106.205 of the Florida Administrative Code (F.A.C.).

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the petitioner's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental  
Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida, 32301  
Telephone: 850/488-0114  
Fax: 850/922-6979

Department of Environmental  
Protection  
Southwest District Office  
13051 N. Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813/744-6100  
Fax: 813/744-6084

The complete project file includes the permit application, draft air construction permit, technical evaluation, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Department's reviewing engineer for this project, Teresa Heron at MS 5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or [Teresa.Heron@dep.state.fl.us](mailto:Teresa.Heron@dep.state.fl.us), or call 850/921-9529 for additional information. Key documents may also be viewed at: [www.dep.state.fl.us/Air/permitting/construction.htm](http://www.dep.state.fl.us/Air/permitting/construction.htm) and clicking on CEMEX in the cement plant category.

Ad# 2345719

January 7, 2008



December 13, 2007

UPS Overnight Delivery

Ms. Teresa Heron  
Department of Environmental Protection  
Bureau of Air Regulation  
111 South Magnolia Drive, Suite 4  
Tallahassee, Florida 32399-2400

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DEC 17 2007

BUREAU OF AIR REGULATION

RE: CEMEX Cement, Inc  
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Proof of Publication  
DEP File No. 0530010-018-AC  
Hernando County

Dear Teresa:

Please find enclosed the original Proof of Publication of the public notice for the above referenced Notice of Application. The public notice is dated December 8, 2007 and ran in the Hernando Today section of the Tampa Tribune.

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Intent to Issue Air Construction Permit case# DEP File No. 0530010-018-AC in the N/A

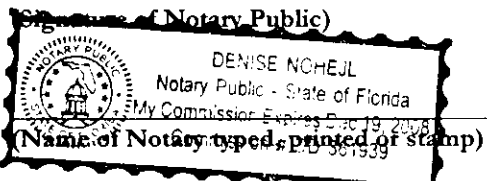
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Judy Warnock (Signature of Affiant)

Sworn to and subscribed before me this 11th day of December, 2007

Denise Noehl (Signature of Notary Public)



Personally Known X or Produced Identification Type of Identification Produced

In the Matter of an Application for Permit by: Mr. Jimmy L. Rabon, Plant Manager- Brooksville Cement Plant CEMEX Cement, Inc. 16301 Ponce De Leon Boulevard Brooksville, Florida 34614-0849

DEP File No. 0530010-018-AC Brooksville Cement Plant Portland Cement Lines 1 and 2 Kiln 1 Cooling Dampers Operational Changes Hernando County, Florida

INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (the Department) gives notice of its intent to issue an air construction permit (copy of draft permit enclosed) to CEMEX Cement, Inc. for the proposed project as detailed in the application specified above and the attached Technical Evaluation for the reasons stated below.

CEMEX applied to the Department for an air construction permit to install cooling dampers on Kiln 1, for the control of dioxin/furan formation. CEMEX also requested through other applications a number of operational changes on Lines 1 and 2 including transfer and loading rates within the process. These additional requests were consolidated with the present application.

The Department has permitting jurisdiction under the provisions of Chapter 403.087 Florida Statutes (F.S.), Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-213. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit is required.

The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Construction Permit. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final construction permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 days from the date of publication of the enclosed Public Notice. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the construction permit with the attached conditions unless a timely petition for an administrative determination (hearing) is filed pursuant to sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of publication of the public notice or within 14 days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's attorney.

representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based, shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.  
Trina L. Vielhauer, Chief  
Bureau of Air Regulation

December 8, 2007

DEC 11 2007

**HERNANDO TODAY**

Published Daily  
BROOKSVILLE, HERNANDO, FLORIDA  
STATE OF FLORIDA  
COUNTY OF HERNANDO:

Before the undersigned authority personally appeared **Judy Warnock**, who on oath says that he/she is Legal Ad Coordinator of the Hernando Today/Hernando Sunday, a daily newspaper published at Brooksville in Hernando County, Florida: that the attached copy of the advertisement, being a Legal Notice in the matter of

**Intent to Issue Air Construction Permit**  
case# **DEP File No. 0530010-018-AC**  
in the **N/A**

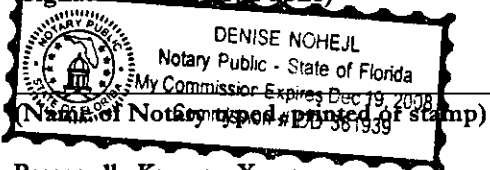
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*Judy Warnock*  
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Sworn to and subscribed before me this 11th day of December, 2007

*Denise Nohejl*  
(Signature of Notary Public)



Personally Known X or  
Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

In the Matter of an  
Application for Permit by:  
Mr. Jimmy L. Rabon, Plant Manager-  
Brooksville Cement Plant  
CEMEX Cement, Inc.  
16301 Ponce De Leon Boulevard  
Brooksville, Florida 34614-0849

DEP File No. 0530010-018-AC  
Brooksville Cement Plant  
Portland Cement Lines 1 and 2  
Kiln 1 Cooling Dampers  
Operational Changes  
Hernando County, Florida

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CEMEX applied to the Department for an air construction permit to install cooling dampers on Kiln 1 for the control of dioxin/furan formation. CEMEX also requested through other applications a number of operational changes on Lines 1 and 2 including transfer and loading rates within the process. These additional requests were consolidated with the present application.

The Department has permitting jurisdiction under the provisions of Chapter 403.087 Florida Statutes (F.S.), Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-213. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit is required.

The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed **Public Notice of Intent to Issue Air Construction Permit**. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication; pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

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case# DEP File No. 0530010-018-AC  
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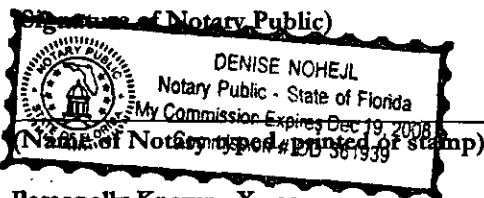
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Judy Warrack  
(Signature of Affiant)

Sworn to and subscribed before me this 11th  
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Personally Known X or  
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The Department will issue the construction permit with the attached conditions unless a  
timely petition for an administrative determination (hearing) is filed pursuant to sections  
120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for  
petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may  
petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of  
the Florida Statutes. The petition must contain the information set forth below and must be  
filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth  
Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit  
applicant or any of the parties listed below must be filed within 14 days of receipt of this  
notice of intent. Petitions filed by any persons other than those entitled to written notice  
under section 120.60(3), F.S., must be filed within 14 days of publication of the public notice  
or within 14 days of receipt of this notice of intent, whichever occurs first. Under section  
120.60(3), however, any person who asked the Department for notice of agency action may  
file a petition within 14 days of receipt of that notice, regardless of the date of publication. A  
petitioner shall mail a copy of the petition to the applicant at the address indicated above at  
the time of filing. The failure of any person to file a petition within the appropriate time period  
shall constitute a waiver of that person's right to request an administrative determination  
(hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and  
participate as a party to it. Any subsequent intervention (in a proceeding initiated by another  
party) will be only at the discretion of the presiding officer upon the filing of a motion in  
compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must  
contain the following information: (a) The name and address of each agency affected and  
each agency's file or identification number, if known; (b) The name, address, and telephone  
number of the petitioner, the name, address, and telephone number of the petitioner's  
representative, if any, which shall be the address for service purposes during the course  
of the proceeding; and an explanation of how the petitioner's substantial interests will be  
affected by the agency determination; (c) A statement of how and when petitioner received  
notice of the agency decision; (d) A statement of all disputed issues of material fact. If there  
are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged,  
including the specific facts the petitioner contends warrant reversal or modification of the  
agency's proposed action; (f) A statement of the specific rules or statutes the petitioner  
contends require reversal or modification of the agency's proposed action, including an  
explanation of how the alleged facts relate to the specific rules or statutes; and (g) A  
statement of the relief sought by the petitioner, stating precisely the action petitioner wishes  
the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is  
based shall state that no such facts are in dispute and otherwise shall contain the same  
information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action,  
the filing of a petition means that the Department's final action may be different from the  
position taken by it in this notice. Persons whose substantial interests will be affected by  
any such final decision of the Department on the application have the right to petition to  
become a party to the proceeding, in accordance with the requirements set forth above.  
Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

Tricia L. Viehauer, Chief  
Bureau of Air Regulation

December 8, 2007